

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 2:19-CR-00918

CLINTON KNIGHT,

Defendant.

Sentencing Memorandum for Non-Custodial Sentence

Comes now, the defendant, Clinton “Wayne” Knight, to respectfully ask this Court to impose a non-custodial sentence for this misdemeanor pursuant to 18 U.S.C. § 3553(a). The following are the primary grounds for this request:

1. Guidelines suggest a non-incarceration sentence for this misdemeanor offense.

The guidelines calculation is 0-6 months for the misdemeanor to which Mr. Knight pled guilty (18 U.S.C. § 208). PSR, p. 10, paragraph 36. Given Mr. Knight is 71 years of age, has never been arrested before, and the Assistant United States Attorney prosecuting this case, Allessandra Stewart, is not opposed to a low-end guidelines range sentence in this case, a probationary sentence without incarceration is appropriate.

2. Mr. Knight’s company, TCMC, LLC provided excellent IT service to numerous Naval Health Clinic Charleston (NHCC) prime contractors from 2004 – 2018.

Mr. Knight accepts full responsibility for failing to disclose he and his wife had a financial interest in TCMC, LLC during the time he was in civil service at the NHCC. According to Mr. Knight, TCMC, LLC was originally created as a landscaping company to provide an employment

opportunity for his son and his co-defendant's son. Soon after the company was created, the Government began its transition from the Naval Hospital Charleston to the NHCC. Mr. Knight's and C.M. Williams' relationships with the personnel involved with the transition provided a unique opportunity for TCMC, LLC to assist as one of the government contractors that made the transition successful. Year after year, TCMC, LLC provided quality service to the prime contractors it served between 2004 – 2018 at a cost much lower than any of its competitors who bid on the same contracts during the same period. This misdemeanor offense has no victims. The government did not suffer a loss or detriment of any kind when TCMC, LLC fulfilled their government contracts, and arguably received a benefit given the low cost at which TCMC, LLC provided the IT services the contracts required. Regardless, Mr. Knight accepts that he should have disclosed the conflict of interest to the Government on its annual forms and respectfully and humbly asks this Court to consider the \$100,000 fine that will be assessed pursuant to the plea agreement as sufficient penalty for his misconduct.

3. The President and CEO of TCMC, LLC who was primarily responsible for submitting bids and obtaining TCMC's subcontracts will have his charges dismissed once the Court sentences Mr. Knight.

Co-defendant, C.M. Williams, who solicited bids and ran TCMC's day-to-day operations for all contracts during the time in question will have his multicount indictment dismissed after Mr. Knight is sentenced. C.M. Williams profited just as much as Mr. Knight from the subcontracts TCMC, LLC obtained over the years, but through early cooperation he was able to avoid the same fate as Mr. Knight. Nevertheless, this case is much different than it was at its inception under a different AUSA a few years ago and, given all co-defendants' cases will be outright dismissed after

Mr. Knight is sentenced, a non-custodial sentence and a \$100,000 fine is just punishment for Mr. Knight's failure to disclose his financial interest in TCMC, LLC while serving as an employee for NHCC.

4. Mr. Knight has no prior criminal history and is a veteran of the United States Army.

Mr. Knight has never been arrested. He served in the United States Army and the United States Army Reserves from 1971 – 1977. From 1977 – 2015, he was employed with the Department of Defense as an engineering tech and computer specialist. He provided exemplary employment during those years and was well respected by many of his coworkers during that time. The failure to disclose the conflict was a deviation from Mr. Knight's 71-year, law-abiding life. He is a devoted husband, father and grandfather who his children depend on daily to assist them with raising their six children, one of which has special needs. The hardship to his family would be devastating should Mr. Knight be sentenced to incarceration. *See* Attachment 1, character letters.

5. Mr. Knight will have to pay a \$100,000 fine as punishment for this misdemeanor offense.

Pursuant to the plea agreement with the Government in this case, Mr. Knight accepts a One Hundred Thousand (\$100,000) dollar fine as punishment in lieu of restitution. We ask the Court to accept that fine as sufficient punishment and not require incarceration for Mr. Knight who at age 71 takes daily medication for high blood pressure and gout. The conduct to which he pled guilty occurred a decade or more ago, and, as a retired grandfather who serves as part-time chauffeur and assistant coach to his grandchildren, incarceration is an unnecessary deterrent to future criminal conduct.

WHEREFORE, for the reasons stated above, and for other good cause, counsel suggests that a non-custodial sentence is “sufficient but not greater than necessary” to punish Mr. Knight for this misdemeanor offense. (Counsel further requests the Court to consider, consistent with a provision in Mr. Knight’s plea agreement, terminating probation upon payment in full of the restitution amount.)

Respectfully submitted,

/s/ J. Scott Bischoff, II
J. SCOTT BISCHOFF, II
COUNSEL FOR WAYNE KNIGHT
S.C. Fed. Bar # 11158

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DATED: May 25, 2022

CERTIFICATE OF SERVICE

I hereby certify that this pleading was electronically served upon counsel filed with the Clerk of Court using the ECF system that will notify the parties of record in this case.

/s/ J. Scott Bischoff, II
J. SCOTT BISCHOFF, II
Counsel for Wayne Knight
S.C. Federal Bar No. 11158

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DATED: May 25, 2022

May 23, 2022

To The Honorable Richard M. Gergel:

(c/o Adams & Bischoff, LLC, 171 Church Street, Ste 360, Charleston, SC 29401)

I am writing this character reference letter on behalf of my dad, C. Wayne Knight. It is my honor to try and paint a picture of the man that has raised me into the person I am today. I hope I can convey my gratitude in this letter and also give you a better understanding of who he is.

My dad was raised in a military family, going from place to place, learning to adapt and persevere. He is the middle child of three siblings and the only boy. His parents did the best they could, but his success is by his own doing. He went to college on his own and made his own path without any assistance from his family. He eventually met my mom and joined the Army Reserves and was Airborne. He is proud of his military service and that of his father.

It is likely due to this strong pride of country and service, that he ended up working for the Navy as a civilian. I also was inspired to join the ranks of civil servants and work at the VA Medical Center serving Veterans in a jail diversion program.

But his professional achievements are not what I think are my dad's best attributes. My dad is the guy you will find in the back or side of the party, talking to the small child or baby. He is the one you will find petting the dog and trying to speak his language (pretty embarrassing!) He isn't the one laughing loudly or speaking with whoever will talk with him. He is quiet, a man of few words, however a heart of compassion, especially for children and animals.

These attributes are why I named my son after him. Most know my dad as "Bo." When my husband and I found out we were expecting our 4th child (very unexpectantly) and found out he would have Down Syndrome, I knew the name Bo had to be passed down. My Bo and PopPop, as he is affectionately known by his 6 grandkids, can be found watching the latest YouTube video or eating icecream every week on Mondays and Tuesdays when he and my mom pick up Bo from school. My Bo has few words, but can say PopPop quite clearly as he is on his list of favorites. PopPop is often the taxi driver for his grandkids getting them to and from afterschool activities, or the tutor helping to finish up school projects, or the grocery store visitor keeping all his kids and grandkids stocked with fresh produce that he finds at a good deal. He is loved by his family, truly and deeply.

In closing, what I want you to know about my dad is that he is a humble, kind-hearted, prudent man that has loved his family and raised his children well. I hope you take this into account to paint a fuller picture of my dad.

Respectfully,

Meredith K. Miller



The Honorable Richard Gergel

c/o Adams & Bischoff, LLC

171 Church Street, Suite 360

Charleston, SC 29401

To The Honorable Richard Gergel:

My name is Brandon A. Miller, I live in Mount Pleasant, SC and presently serve as Branch Manager for JAS Forwarding in Ladson, SC. I am a US Licensed Customs Broker [REDACTED], and in my current function I am responsible for managing a \$180 million dollar operation for JAS Forwarding while responsible for approximately 115 people positioned both here locally in Ladson, SC and in Greenville, SC. In this role I am responsible for managing and making decisions for the well being of my organization and colleagues based on the performance, accountability and integrity of those under my supervision and leadership.

I am married to Meredith Knight Miller, daughter of Mr. Wayne Knight. Meredith and I were married in 2004 and moved back down to Charleston in 2007. Our goal in moving back to Charleston was to start a family and be closer to the Knight family. Fast forwarding 18 years, Meredith and I have a family of 4 children all under the age of 11 years old in [REDACTED] and we could not succeed if not for the love and support of Mr. Wayne Knight.

While he officially goes by Wayne, to us he's known to many as "Bo" which is the reasons we have named our only son [REDACTED] in his honor, he's also known as "Best Friend" by my daughter [REDACTED] or "Pop Pop" by my daughters [REDACTED] and [REDACTED]. Regardless of the day, time, or weather, Mr. Knight is always there for me and my family no matter what has been requested. He is a critical daily part of our family and my children's lives and their development as he supports our family's kindness, laughter, values, education, and logistics.

Our family, like every family has been through some challenging times these past several years. Our oldest daughter has had a hard time suffering from anxiety. To help her work through this, we found a counselor to support her out on Wadmalaw Island however managing the transportation with two working parents and four children was next to impossible.

Mr. Knight, being the incredible father and grandfather he is, took complete ownership in supporting my daughter and managed all logistics and coordination for this important situation for my daughter and our family. While he helped provide transportation, he also helped in being a positive spirit and consistent part of the process for my daughter. She knew she could count on Pop Pop like we all do in this thankless role sometimes and this really helped us all to manage through this time. Mr. Knight helped to create a calming component to a concerning and stressful situation for both our family, my daughter, and his daughter as well by being part of the solution to help my daughter get through some very difficult times.

This is the kind of person Mr. Knight is as he always puts everyone's needs in front of his own. While he has the longest drive, he's the first to arrive every Saturday mornings and coach at our Special Olympics practice for my son [REDACTED] and his friends as our son [REDACTED] has [REDACTED]. "Best Friend" is always first at basketball to cheer on [REDACTED] and give her a giant hug following a win or loss. "Pop Pop" is always there

to help ensure homework is complete for [REDACTED] he manages all of this while racing to ensure he's up front and center where our daughter who struggled with anxiety the summer before, gains the courage to stand up in front of everyone and play in her first music recital in front of a number of strangers, the same way he's been there for her and our family since Day One.



Mr. Wayne Knight is a great person and is cherished by his family, friends, neighbors and loved ones. He's a great friend, parent, neighbor and grandparent, and he happily goes by "Dad", "Mr. Knight", "Bo", "Best Friend", "Pop Pop" and is a critical part of our family and community.

Thank you for time and consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Brandon Miller".

Brandon A. Miller, [REDACTED]

The Honorable Richard M. Gergel,

My name is Todd Knight and Clinton Wayne Knight is my dad. My dad who is also my hero taught me from as early as I remember to be person of integrity and truthfulness. With this engrained in me since my youth along with a call to serve my community and country my future was set. My dad served our country in the US Army at a very uneasy time when serving your country was not the easiest to do. I followed in his footsteps in a way as a North Charleston and Hanahan police officer until I was forced to medically retire due to injuries sustained on the job. My dad has never coddled me always wanting and requiring the best out of me never letting me settle for anything less than my best. After I was forced to retire it was my dad who helped me push forward for my family and myself. My dad has always been their for our family my sister, mom or myself. As my children have grown up around my dad along with my mom Both are teenagers know I see the same virtues I was raised with passed to them. I'm not exactly sure what you are needing to see with this letter. One thing I can tell you is i am proud and owe who and what I am to my hero my dad.

Todd Knight

